

Agenda

Item #3

RECEIVED

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MAINE ETHICS COMMISSION

Dill Leadership PAC
1227 Shore Road
Cape Elizabeth, Maine 04107

November 7, 2008
By Fax

Jeremy J. Brown, PAC, Party and Lobbyist Registrar
State of Maine
Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333-0135

Dear Jeremy,

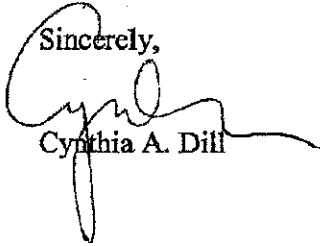
I am writing in reference to your letter to Dill Leadership dated October 20, 2008 and received by me on October 28, 2008, in connection with a \$51.25 penalty for the late filing of a PAC report.

The circumstances that gave rise to the late filing was the tragic and unexpected death of John E. Walker on October 6, 2008. Mr. Walker was the husband of Janet O'Toole, Dill Leadership's Treasurer. At the time of John's death Janet was understandably pre-occupied and out of her office where the PAC financial files are maintained.

I take full responsibility for the late filing and apologize that I didn't undertake to get the report filed on my own in a timely fashion. John Walker was a good friend of mine and a huge figure in our community and his passing was a shock. I have had the good fortune of a very diligent and conscientious treasurer in Janet and clearly missed the deadline on my own in her absence. As you know, the report has since been filed.

I respectfully request the penalty be waived and for such further relief the Commission deems appropriate.

Sincerely,


Cynthia A. Dill

cc Janet O'Toole, Treasurer



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

October 20, 2008

Hon. Cynthia A. Dill
President
Dill Leadership PAC
1227 Shore Road
Cape Elizabeth, ME 04107

Re: Campaign Finance Report Late Filing

Dear Representative Dill:

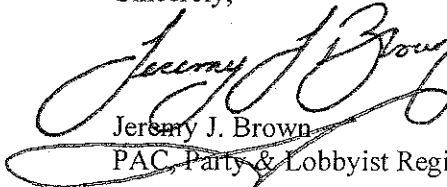
As indicated in Director Wayne's email of October 17th, the Commission opted to hear your request for a penalty waiver in the normal course of our procedures. Consequently, the first step in this process is to assign a preliminary penalty to which you may appeal to the Commission for a final determination.

Penalties for late PAC reports are based on the amount of financial activity during the filing period, the number of calendar days a report is filed late, and the PAC's filing history (21-A M.R.S.A. § 1062-A). Pursuant to this formula, the Commission has assessed a preliminary penalty of \$51.25. Please see the enclosed penalty matrix for more information on how this penalty was calculated.

If you would like to request that the Commission make a final penalty determination, please submit your request within 10 calendar days of receiving this notice. Upon receipt of your request, we will schedule you to appear before the Commission at the next regularly scheduled meeting. You may appear before the Commission personally, designate a representative to appear on your behalf, or submit a written statement in which you provide an explanation of the mitigating circumstances you wish the Commission to take into consideration. The Commission will notify you of the disposition of your case shortly after its determination.

Please direct any questions you may have about this matter to me at 287-6221.

Sincerely,


Jeremy J. Brown
PAC, Party & Lobbyist Registrar

Enclosure (1)

**COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
PENALTY MATRIX FOR LATE POLITICAL ACTION COMMITTEE REPORT FILINGS**

**BASIS FOR PENALTIES
21-A M.R.S.A. Section 1062-A**

Committee Name:	Dill Leadership PAC	Report Title:	October Quarterly
		Due Date:	October 10, 2008
Previous Violation(s):	0	Filed Date:	October 15, 2008

The penalty for late filing of a required report is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days the report is filed late, as follows:

For the first violation, 1%
For the second violation, 3%
For the third and each subsequent violation, 5%

A penalty begins to accrue at 11:59 p.m. on the day the report is due.

Penalty Example:		Your Penalty is calculated as follows:	
The treasurer files the candidate's report two (2) days late. The candidate has not had any previous late violations this biennium. The candidate reports a total of \$2,500 in contributions and \$1,500 in expenditures for the filing period. The penalty is			
\$2,500	Greater amount of the total contributions received or expenditures made during the filing period	Contributions / Expenditures:	\$1,025.00
		x	1%
X .01	Percent prescribed for first violation		\$10.25
\$25.00	One percent of total contributions		5
X 2	Number of calendar days late	Number of days late:	
\$50.00	Total Penalty	Total penalty accrued:	\$51.25

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered year. Waiver of a penalty does not nullify the finding of a violation.

A required report that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

MAXIMUM PENALTIES

21-A M.R.S.A. Section 1062-A(4)

\$10,000 for 11-Day Pre Election reports, 42-Day Post-Election reports, and 24-Hour reports

\$5,000 for Quarterly reports

21-A M.R.S.A. § 1062-A. FAILURE TO FILE ON TIME

1. Registration. A political action committee required to register under section 1053 that fails to do so in accordance with section 1053 or that fails to provide the information required by the commission for registration may be assessed a forfeiture of \$250.

[1995, c. 483, §21 (NEW) .]

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 6, the commission shall determine whether a required report satisfies the requirements for timely filing. The commission may waive a penalty if it is disproportionate to the level of experience of the person filing the report or to the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

A. A valid emergency of the committee treasurer determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §9 (AMD) .]

B. An error by the commission staff; or [1999, c. 729, §9 (AMD) .]

C. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service. [2007, c. 443, Pt. A, §38 (AMD) .]

[2007, c. 443, Pt. A, §38 (AMD) .]

3. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, 1%; [1995, c. 483, §21 (NEW) .]

B. For the 2nd violation, 3%; and [1995, c. 483, §21 (NEW) .]

C. For the 3rd and subsequent violations, 5%. [1995, c. 483, §21 (NEW) .]

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

[2007, c. 443, Pt. A, §39 (AMD) .]

4. Maximum penalties. The maximum penalties under this subchapter are \$10,000 for reports required under section 1059, subsection 2, paragraphs B, C and E and \$5,000 for reports required under section 1059, subsection 2, paragraph A.

[1995, c. 483, §21 (NEW) .]